



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
Office of Air Enforcement & Compliance Assistance
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Bradley Blase
Plant Environmental Manager
Essroc Cement Corporation/Martinsburg Plant
1826 South Queen Street
Martinsburg, West Virginia 25401

JUL 08 2015

Re: Information Request

Dear Mr. Blase:

The United States Environmental Protection Agency (EPA) hereby requires Essroc Cement Corporation/Martinsburg Plant ("Essroc" or "the Facility") to provide certain information as part of an EPA investigation to determine the Clean Air Act (CAA or the Act) compliance status of the Facility located in Martinsburg, West Virginia .

Pursuant to Section 114(a) of the CAA, 42 U.S.C. Section 7414(a), the Administrator of EPA is authorized to require any person who owns and/or operates an emission source to establish and maintain records, make reports and provide such information as he may reasonably require for the purposes of determining whether such person is in violation of any provision of the Act. In order for EPA to determine whether a violation has occurred, you are hereby required, pursuant to Section 114(a) of the CAA, to provide responses to the following questions and requests for information regarding your facility. Therefore, you are hereby required to respond to questions and requests for information in Enclosure 2 (see Enclosure 1 for instructions and definitions). All information submitted in response to this request must be certified as true, correct, accurate, and complete by an individual with sufficient knowledge and authority to make such representations on behalf of Essroc. On the last page of your response(s) to this questionnaire, please include the certification contained in Enclosure 3.

Failure to provide the required information may result in the issuance of an Order requiring compliance with the requirements, or the initiation of a civil action pursuant to Section 113(b) of the Act, 42 U.S.C. Section 7413(b). In addition, Section 113(c)(2) of the Act provides that any person who knowingly makes any false statement, representation, or certification in, or omits material information from any document required pursuant to this Act shall upon conviction be punished by a fine pursuant to Title 18 of the United States Code, or by imprisonment for not more than two years, or both. The information you provide may be used by EPA in administrative, civil and criminal proceedings.

Under 40 C.F.R. Part 2, subpart B, you may assert a claim of business confidentiality for any portion of the submitted information. You must specify the page, paragraph, and sentence when identifying the information subject to your claim.

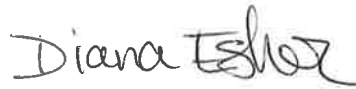
This request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 et seq., because it seeks the collection of information from specific individuals or entities as part of an administrative action or investigation. To aid in our electronic recordkeeping efforts, please provide your response to this request for information without staples. Paper clips, binder clips, and 3-ring binders are acceptable.

EPA requires Essroc to submit this information requested in Enclosure 2 no later than thirty (30) calendar days after receipt of this letter. EPA requires that Essroc report any changes or revisions to the information supplied within seven (7) days after the change or revision is made. This requirement to provide EPA with changed or revised information shall remain in effect until EPA provides Essroc with written notice of its termination. Please submit your response to this request to:

Ms. Zelma Maldonado, Associate Director
U.S. Environmental Protection Agency Region III
Office of Air Enforcement & Compliance Assistance (3AP20)
1650 Arch Street
Philadelphia, PA 19103-2029

If you have any questions regarding this information request, please contact Erin Malone, of the Office of Air Enforcement & Compliance Assistance at (215) 814-2190.

Sincerely,

A handwritten signature in black ink that reads "Diana Esher". The signature is written in a cursive, flowing style.

Diana Esher, Director
Air Protection Division
Region III

ENCLOSURE 1

A. Instructions

1. Please provide a separate narrative response to each question and subpart of a question set forth in this Information Request. Please provide the **requested non-narrative information in spreadsheet format, preferably in Excel and in one spreadsheet.**
2. Indicate on each document produced in response to this Information Request, or in some other reasonable manner, the number of the question to which it corresponds.
3. Provide as much information possible to completely answer each question. This includes all supporting documentation, such as performance test reports, inspection records, memorandums, facility records, etc. Failure to completely respond to any questions may increase the time necessary to determine compliance with all applicable regulations.
4. For each document provided in response to these questions, provide an accurate and legible copy, which can be used to determine completeness of this request. For any information submitted electronically, clearly label to which question(s) the data is responsive.
5. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
6. Where documents or information necessary for a response are neither in your possession nor available to you, indicate in your response why such documents or information is not available or in your possession and identify any source that either possesses or is likely to possess such information.

B. Definitions

1. All terms used in the Information Request will have their ordinary meaning unless such terms are defined in the Act, 42 U.S.C Section 7410 or 40 C.F.R. Part 60, Part 61 or Part 63.
2. EPA Region III includes the states of Maryland, Pennsylvania, Virginia, West Virginia, Delaware and the District of Columbia.

ENCLOSURE 2

The questions below are all related to the Title V Compliance Certifications submitted by Essroc Cement Corporation for the Martinsburg Plant for the periods 1/1/2013 – 12/31/2014. For West Virginia Air Permit # R30-00300006-2012 (MM03).

Facility-wide:

1. Permit Condition 3.1.19- In the Semi-Annual Monitoring Reports from 2013 and 2014, there were reported deviations for permit condition 3.1.19, a requirement that sets the emission limit for opacity at 10%. Please provide documentation that supports any corrective action performed after measuring emission limit values over 10% for the main kiln stack, finish mill 1, finish mill 2, and finish mill 3.
2. Permit Condition 3.1.20- On page 9 of 44 of Form A in the 2014 Annual Compliance Certification, it was reported that Method 9s were performed for an unspecified source but the documentation is missing. Please identify the emission source for which visible emissions were observed in relation to the Method 9s under permit condition 3.1.20. Provide documentation to identify the Method 22 observations that correspond to the missing Method 9 visible emission records as well as the corrective actions that were initiated as required in §63.1350(f)(3).
3. Permit Condition 3.2.7- In the 2013 and 2014 Annual Compliance Certifications it was stated that "Per 40 CFR 63.1351, 10-minute Method 22 observations are not required to be conducted until the compliance date of 9/9/15." Provide justification as to why you think that you do not need to comply with permit condition 3.2.7 until September 9, 2015.
4. Permit Condition 3.2.12- In the Semi-Annual Monitoring Reports for the first half of 2013, second half of 2013, and second half of 2014 it is stated that "Records could not be located for the listed dates. Training has been conducted on required record retention policies." Please submit the training materials and sign-in sheets for the record retention trainings that took place at the facility since 2012, as referenced in relation to the missing weekly fugitive visible emission observation records.
5. Additionally, please provide copies of the following documents:
 - a. PC MACT Semi-Annual Summary Report dated 1/30/2015 as well as all PC MACT Summary Reports for the 2013 calendar year
 - b. Incident Reports filed with WVDEP dated 3/21/2013; 4/23/2013; 6/21/2013; and 10/2/2013 for the deviations of permit condition 3.1.12.
 - c. Martinsburg Plant Operations and Maintenance Plan

CD42.04- Inline Raw Mill PH-PC Kiln/Clinker Cooler & Bypass & Coal Mill D/Cs:

6. On Page 1 of 23 of the PC MACT Semi-Annual Summary Report dated 7/31/2014, the emission unit CD42.02 is identified as "Inline Raw Mill/PH/PC Kiln/Clinker Cooler & Bypass & Coal Mill D/Cs," however in the Title V Permit CD42.02 is identified as "Kiln Feeding Bucket Elevator D/C." Please explain the naming inconsistency with the control device CD42.02.
7. On page 2 of the PC MACT Semiannual Summary Report for the period 1/1/2014 through 6/30/2014, the second paragraph under "Results of any Combustion..." states that there wasn't a Combustion System Inspection planned for the remainder of 2014 because the main burner

pipe of the preheater/precalciner Kiln #1 will be replaced in March of 2014. Provide any documentation to support the replacement of the preheater/precalciner on Kiln #1. Provide any records that document the date that the combustion system inspection was conducted on Kiln #1 in 2014 and 2015.

8. Permit Condition 3.3.1- Submit the results of all stack tests completed on CD42.04 in calendar years 2013 and 2014, including the tests performed on 9/22-9/24/14 and 10/7-10/8/14.

CD43.21- Top of Normal Clinker Silo; CD21.12- Middle Bank Vent 3 D/C; CD21.13- middle bank vent 4 D/C:

9. Permit Conditions 3.1.24 & 3.3.3(2)- Please provide more details as to why the Method 9 observations were not completed as required as part of your Title V Permit and under 40 C.F.R § 63.1348(a)(2). Secondly, please provide the results of the Initial Method 9 Performance Tests that the facility planned to perform in the first quarter of 2015.

EU2- Raw Material Preparation; EU6- Cement Production:

10. Permit condition 3.2.4 requires that daily Method 22 observations are performed if you are not utilizing a COMS on your raw mills and finish mills. The 2013 and 2014 Annual Compliance Certifications report periods of noncompliance with this permit condition. Provide any documentation to support Method 22 observations at Finish Mill 3 in 2013, 2014, and 2015.

CD45.16- Rail Transloader D/C:

11. Permit Condition 3.3.1- Submit the stack test protocol for CD45.16 used for the performance test conducted on 6/12/13.
12. Permit Conditions 3.3.2- Submit the results of the Initial Method 9 Performance Test that was conducted on the Rail Transloader (CD45.16) on 6/12/13.

EU4- Clinker Handling and Storage Requirements:

13. Permit Condition 4.1.39 captures PM₁₀ and TSP emission limits for emission unit group 4 (EU4) on the 2013 and 2014 Annual Compliance Certifications. However, the emission points EP27.01, EP27.02, EP27.03, EP27.04, and EP27.05 are documented under Group 6 fugitive sources in the permit but listed as Group EU4 on the Annual Compliance Certifications. Please clarify the emission unit naming discrepancy between the Title V Operating Permit and the 2013 and 2014 Annual Compliance Certifications for permit condition 4.1.39.
14. Permit Condition 4.1.39- Please provide applicable records and calculations for TSP and PM₁₀ emission readings for emission units EP27.01, EP27.02, EP27.03, EP27.04, and EP27.05 in calendar years 2013 and 2014.

EU8- Other Miscellaneous Sources; EP25.03- Quarry Haul Roads (waste):

15. Permit Condition 4.1.56- What were the emission values for TSP and PM₁₀ in tons per year (TPY) for the years 2013 and 2014 for EP25.03 (Quarry Haul Roads (waste))? Secondly, please provide the calculations used to determine the emission values for TSP and PM₁₀.

ENCLOSURE 3

STATEMENT OF CERTIFICATION

[This Certification is for signature by the president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or another executive with authority to perform similar policy or decision-making functions of the corporation.]

Essroc is submitting the enclosed documents in response to the U.S. Environmental Protection Agency's ("EPA") request for information, issued pursuant to Section 114(a) of the Clean Air Act, to determine whether the facility is in compliance with the Clean Air Act.

I certify that I am fully authorized by Essroc to provide the above information on its behalf to EPA.

I certify under penalty of law that I have personally examined and am familiar with the statements and information submitted in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true, correct, accurate and complete. I am aware that there are significant penalties for submitting false statements and information, or omitting required statements and information, including the possibility of fines and imprisonment for knowing violations.

Date: _____

Name (Printed): _____

Signature: _____

Title: _____

ENCLOSURE 4
Confidential Business Information (CBI)

You may assert a business confidentiality claim covering all or part of the information requested in response to this information request for any business information entitled to confidential treatment under Section 114(c) of the Clean Air Act (the Act), 42 U.S.C. § 7414, and 40 C.F.R. Part 2, subpart B. Under Section 114(c) of the Act, you are entitled to confidential treatment of information that would divulge methods or processes entitled to protection as trade secrets. Under 40 C.F.R. Part 2, subpart B, business confidentiality means "the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information." See 40 C.F.R. § 2.201(e).

Information covered by a claim of business confidentiality will be disclosed by EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Act and 40 C.F.R. Part 2, subpart B. EPA will construe your failure to furnish a business confidentiality claim with your response to this information request as a waiver of that claim, and the information may be made available to the public without further notice to you.

To assert a business confidentiality claim, you must place on (or attach to) all information you desire to assert as business confidential either a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential" at the time you submit your response to this information request. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by EPA. You should indicate if you desire confidential treatment only until a certain date or until the occurrence of a certain event.

The criteria EPA will use in determining whether material you claim as business confidential is entitled to confidential treatment set forth at 40 C.F.R. §§ 2.208 and 2.301. These regulations provide, among other things, that you must satisfactorily show that: (1) the information is within the scope of business confidentiality as defined at 40 C.F.R. § 2.201(e), (2) that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, (3) the information is not and has not been reasonably obtainable by legitimate means without your consent, and (4) the disclosure of the information is likely to cause substantial harm to your business's competitive edge. See 40 C.F.R. § 2.208 (a)-(d). Emission data, as defined at 40 C.F.R. § 2.301(a)(2), is expressly not entitled to confidential treatment under 40 C.F.R. Part 2, subpart B. See 42 U.S.C. § 7414(c); 40 C.F.R. § 2.301(e).

If you assert a claim of business confidentiality in connection with information and documents forwarded in response to this request for information, in accordance with 40 C.F.R. § 2.204(e)(4), EPA is requesting that you answer the following questions with respect to any information or document for which you assert a claim of business confidentiality:

1. What specific portions of the information are alleged to be entitled to confidential treatment? Specify by page, paragraph, and sentence when identifying the information subject to your claim.
2. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, specify that event. Additionally, explain why the information should be protected for the time period you've specified.
3. What measures have you taken to protect the information claimed as confidential from undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity whether disclosure of the information is likely to result in substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Is there any other explanation you deem relevant to EPA's determination of your business confidentiality claim that is not covered in the preceding questions? If so, you may provide such additional explanation.

You must furnish comments to the above questions concurrent with your response to this information request if you have claimed any information as business confidential. See 40 C.F.R. § 2.204(e)(2). Pursuant to 40 C.F.R. § 2.205(b)(2), you may request an extension of this deadline. EPA will construe your failure to furnish timely comments as a waiver of your confidentiality claim, consistent with 40 C.F.R. § 2.204(e)(1).

Pursuant to 40 C.F.R. § 2.205(c), you are hereby advised that information you submit as part of your comments may be regarded by EPA as entitled to confidential treatment if, when it is received by EPA, it is marked in accordance with 40 C.F.R. § 2.203(b). As required by 40 C.F.R. § 2.204(e)(6), you may assert a business confidentiality claim covering all or part of your response to these questions, as provided in 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Clean Air Act (the Act) and 40 C.F.R. Part 2. EPA will construe the failure to furnish a confidentiality claim with your comments as a waiver of that claim, and the information may be made available to the public without further notice to you.